

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

UNITED STATES OF AMERICA

CASE NO. 2:19-CR-00283-01

VERSUS

JUDGE JAMES D. CAIN, JR.

MORGAN LYONS (01)

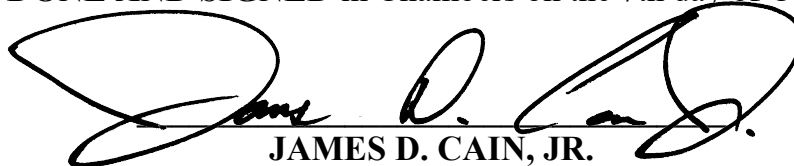
MAGISTRATE JUDGE KAY

MEMORANDUM ORDER

Before the court are a Motion for Return of Property [doc. 199] and a Motion to Waive Filing Fee and Cost [doc. 200] filed by defendant Morgan Lyons. The motions are filed as part of his criminal case, which resulted in a conviction by jury trial before the undersigned. That verdict was then affirmed by the Fifth Circuit. *United States v. Lyons*, 2023 WL 4532804 (5th Cir. Jul. 13, 2023).

When a defendant moves for return of property after the conclusion of his criminal case, courts treat the motion as a civil suit invoking the court's equity jurisdiction under 28 U.S.C. § 1331. *See United States v. Bacon*, 546 U.S. F. App'x 496, 499 (5th Cir. 2013) (collecting cases). Accordingly, the clerk is requested to redesignate these matters as a new civil suit. Because Mr. Lyons is an inmate in the custody of the Bureau of Prisons and seeks to proceed in forma pauperis, his suit will be subject to screening under 28 U.S.C. § 1915.

THUS DONE AND SIGNED in Chambers on the 7th day of October, 2024.

A handwritten signature in black ink, appearing to read 'James D. Cain, Jr.', is written over a horizontal line.

**JAMES D. CAIN, JR.
UNITED STATES DISTRICT JUDGE**